



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
 100 CHURCH STREET  
 NEW YORK, NY 10007

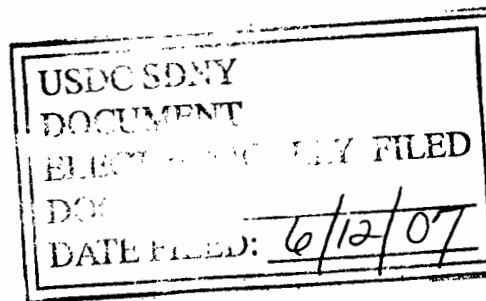
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June 12, 2007

**VIA HAND DELIVERY**

The Honorable Shira A. Scheindlin  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007



Re: Bonge v. The City of New York et al.  
 07 Civ. 4601 (SAS)

Dear Judge Scheindlin:

I am the Senior Counsel with the Office of the Corporation Counsel assigned to the defense in the above-referenced matter in which plaintiffs allege that they were subjected to an unlawful search and plaintiff West alleges that he was falsely arrested. Defendant City of New York respectfully requests that its time to respond to the complaint be extended for sixty days from the current due date of June 20, 2007 until August 20, 2007. I have spoken with plaintiffs' counsel and plaintiffs consent to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, defendant City needs this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office has already forwarded to plaintiffs' counsel for execution a consent and authorization for the release of sealed records so that the defendant can access the information, properly assess the case, and respond to the complaint. Additionally, in having good faith discussions with plaintiffs' counsel, counsel informed me that he would like to review specific police documents to assess this case at the early stages of litigation. This extension should provide the City with the time to obtain those particular documents to provide to plaintiffs' counsel.

Finally, upon information and belief, individually named defendant has not been served with the summons and complaint. This extension should give plaintiffs the time to serve

*Request granted. Defendants' time to respond is extended to and including Aug 20, 2007. This will not affect the schedule of the initial conference.*

*On Order: [Signature] USDC SDNY 6/12/07*

that individual and, if timely served, may provide time for this office to make a representational decision with respect to him. *See Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). No previous request for an extension has been made by defendant City.

Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to August 20, 2007.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hillary A. Frommer", written in a cursive style.

Hillary A. Frommer (HF 9286)  
Senior Counsel

cc: Ronald Kuby, Esq. (via facsimile)